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December 18, 2020

**BY ECF AND EMAIL**

Honorable Analisa Torres  
United States District Judge  
Daniel Patrick Moynihan United States Courthouse  
500 Pearl Street  
New York, NY 10007  
[Torres\\_NYSDChambers@nysd.uscourts.gov](mailto:Torres_NYSDChambers@nysd.uscourts.gov)

**RE: *United States v. Cholo Abdi Abdullah, 20-cr-677 (AT)***

Dear Judge Torres:

On Tuesday, December 16, I was appointed by the Honorable Robert W. Lehrburger to represent Cholo Abdi Abdullah who is charged in a six count indictment with conspiracy to provide material support to Harakat al-Shabaab al-Mujahideen (commonly known as “al Shabaab”) and related charges. The Government previously identified al Shabaab as a Foreign Terrorist Organization (FTO). Your Honor has scheduled the first pretrial conference for January 6, 2021.

I spoke this morning to Alan Nelson about budgeting and my need for co-counsel. Mr. Nelson concurred that this prosecution would need co-counsel and mega case budgeting, and he saw no reason why I should not write to Your Honor in advance of the January conference and in advance of drafting a Stage 1 budget.

Accordingly, I respectfully request that Your Honor appoint Andrew G. Patel as co-counsel for Mr. Abdullah. Mr. Patel is a member of the CJA Panel in this District and the Capital Panels in the Southern and Eastern Districts. This afternoon, I spoke with the prosecutors. They advised me that some portion of the discovery in this matter (an amount not capable of estimation at this point) will consist of classified information and that the Government expects to make an application to Your Honor as required by the Classified Information Protection Act (CIPA) with respect to this discovery. I have a security

The Honorable Analisa Torres  
United States District Judge

December 18, 2020

Page 2

clearance that will enable me to review classified discovery; Mr. Patel also has the necessary security clearance.

Mr. Patel has years of experience representing individuals charged with terrorism offenses. He was counsel for El Sayyid A. Nosair in the prosecution for the first World Trade Center bombing.<sup>1</sup> Mr. Patel represented pre- and post-indictment José Padilla, the “Dirty Bomber,” who was convicted in 2007 of providing material support to al-Qaeda.<sup>2</sup> Mr. Patel also represented a detainee at held at the U.S. Naval Station Guantanamo Bay, Cuba, and Mr. Patel represented Adel Abdel Bary in the prosecution colloquially referred to as the Embassy Bombing case.<sup>3</sup> I was Mr. Patel’s co-counsel in this last representation. Mr. Patel is thus uniquely qualified to serve as co-counsel in this matter, and Mr. Nelson agreed that his assistance would be invaluable.

I am making this application now so that Mr. Patel can participate, *inter alia*, in discussions with the Government about provisions of an anticipated protective order and the January 6 conference. Finally, I respectfully request that Your Honor appoint Mr. Patel *nunc pro tunc* to today, December 18, 2020.

Respectfully submitted,

GRANTED. Andrew G. Patel's appointment as CJA co-counsel for Defendant Cholo Abdi Abdullah is GRANTED *nunc pro tunc* to December 18, 2020.

SO ORDERED.

Dated: December 21, 2020  
New York, New York



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ANALISA TORRES  
United States District Judge

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<sup>1</sup> *United States v. Omar Abdel Rahman*, 93-cr-181 (MBM).

<sup>2</sup> *United States v. Padilla*, Dkt. No. 04-60001-CR-COOKE (SD Fla.). *See, e.g., Padilla v. Rumsfeld*, 542 U.S. 426 (2004); *Padilla v. Hanft*, 126 S. Ct. 1649 (2006).

<sup>3</sup> *United States v. Hage*, 98-cr-1023 (LAK).